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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,063	04/09/2004	Anders Larsson	07589.0162.PCUS00	3062
28694	7590	11/20/2006	EXAMINER	
NOVAK DRUCE & QUIGG, LLP 1300 EYE STREET NW 400 EAST TOWER WASHINGTON, DC 20005			MILLER, CARL STUART	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/709,063

**Applicant(s)**

LARSSON ET AL.

**Examiner**

Carl S. Miller

**Art Unit**

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,5,10 and 11 is/are allowed.
- 6) ☒ Claim(s) 1,6,8,9 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/9/04&9/30/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtonen in view of Enjolras.

Lehtonen teaches a fuel venting and pressure regulation valve that uses two valve cones to regulate the venting and pressure relief. The seat of one valve is carried by the other valve and the two springs claimed are also taught by the reference.

Enjolras teaches another pressure relief and venting valve for oil or a similar stored fluid and the valve vents the fluid through an internal passage parallel to the inlet while the pressure relief is through a perpendicular passage.

It would have been obvious to modify Lehtonen by venting the vapor flow as taught by Enjolras because both valves were for pressure control and venting of a similar stored fluid.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtonen and Enjolras as applied to claim 1 above, and further in view of Bartlett.

Bartlett teaches an injection valve vent that is mounted on the top of the pump housing and therefore at a vertically elevated position in the fuel system.

It would have been obvious to position the vent valve of the Lehtonen as taught by Bartlett because the high position would have allowed the fuel vapors to rise in the housing and thus better bleed the vapor from the system.

Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarr in view of Lehtonen and Bartlett.

Lehtonen and Bartlett apply as noted with regard to Claim 1 above. Tarr teaches a fuel system that uses two pumps as claimed and also includes a water sensor in a filter (that acts as a water separator) wherein the sensor activates a pump to expel water from the system.

Since the details of the system-venting device are independent of the functioning of the venting pump, it would have been obvious to use the valves of Lehtonen and the location taught by Bartlett in the Tarr system.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tarr, Lehtonen and Bartlett as applied to Claim 12 above, and further in view of Pakula.

Pakula teaches an electrically controlled drain valve used to drain water from a fuel filter.

It would have been obvious to drain the filter of Tarr using an electrically controlled valve as taught by Pakula because this would have ensured better control of the venting of the filter than the simple check valve used by Tarr.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, "the water separator" lacks antecedent basis in the claims.

Claims 10-11, 3 and 5 are allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's arguments filed 1/05/06 have been fully considered but they are not persuasive. In particular, since the art applied against the claims has now been significantly changed, the applicant's arguments are now moot. Because the change in the examiner's rejection was not totally precipitated by applicant's amendments, this action has been made non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl S. Miller whose telephone number is 571-272-4849. The examiner can normally be reached on MTWTHF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Cronin, can be reached on 571-272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Carl S. Miller  
Primary Examiner